

REMARKS

Claims 1, 3-7, 10-13, and 15-32 were presented for examination and were rejected.

Independent claims 1, 7, and 15 have been amended to more particularly point out and distinctly claim the subject matter that the applicant regards as the invention.

The applicant respectfully requests reconsideration in light of the foregoing amendments and the following comments.

35 USC § 103 Rejection of Claims 1, 3-7, 10-13, 15-29, and 31

Claims 1, 3-7, 10-13, 15-29, and 31 were rejected under 35 USC § 103 as being obvious over the combination of US Patent No. 5,991,739 (hereinafter "Cupps") and US Patent No. 6,700,674 (hereinafter "Otsuka"). The applicant respectfully submits that the rejection of these claims is overcome for at least the reasons discussed below.

Independent claim 1, as amended, recites:

1. An online ordering system for food outlets, comprising:

at least a first computer system which is accessible via the Internet under at least one domain, in which data on food outlets are stored and on which an interactive program runs,

in each case a communication connection which can be established at least temporarily between the computer system and at least a large number of the food outlets covered and which is adapted to send an order to the system by email, script-controlled platform-independently, or directly by interaction of the user,

whereby a fax is generated from said order by said system or a connected system or a connected fax server, and whereby said system is adapted to connect an output device or display device comprising a fax machine at the food outlets to the first computer system, and whereby said system or a connected system or a connected fax server is adapted to fax said fax to said fax machine,

wherein the ordering system is adapted to display a start page to the user depending on a chosen accessible address of the at least one domain of the computer system, which start page being designed appropriately for a target group or specifically for a target group.

(emphasis supplied)

Nowhere do Cupps and Otsuka (whether considered individually or in combination) teach, suggest, or motivate what amended claim 1 recites — namely, an online ordering system for food outlets:

- whereby a fax is generated from said order by said system or a connected system or a connected fax server, and
- whereby said system or a connected system or a connected fax server is adapted to fax said fax to said fax machine.

Support for the foregoing amendments can be found in the originally filed specification at, *inter alia*, page 6, lines 5-7, page 9, lines 16-18, and page 10, lines 1-5.

According to the Final Office Action that issued on December 27, 2010, the Examiner indicated that Cupps fails to teach or suggest the limitations in question. The applicant agrees. As further discussed below, the applicant however disagrees with the Examiner's contention that Otsuka cures the deficiencies of Cupps with respect to these limitations.

In the Advisory Action that issued on March 18, 2011, the Examiner alleged that col. 2, lines 57-60, col. 3, lines 46-51, col. 9, lines 53-58, and col. 12, lines 22-39 of Otsuka obviates the present invention's task of generating a fax from an e-mail and the transmission of that fax. The applicant disagrees, as Otsuka teaches the opposite of what is disclosed in the specification and recited in the claims.

According to Otsuka, a facsimile is attached or included in an e-mail; and the e-mail is subsequently sent to a receiver. Technically, this is an "e-mail transmission" via the Internet. The feature as claimed, in opposite thereof, defines a facsimile transmission of the e-mail. Thus, the way of transmitting, as well as the kind of information being transmitted, are interchanged.

To underline this distinction between the present invention and Otsuka, claim 1 has been amended to recite that a computer system generates a fax from an order, wherein the generated fax is faxed to a fax machine of a food outlet. As discussed above, the transmission performed by Otsuka is technically an "e-mail transmission" via the Internet, and a person skilled in the art would not interpret this as teaching or suggesting a "fax transmission" of the present invention.

Furthermore, the transmission according to the present invention, as discussed above, also holds true for other types of orders that are disclosed in the originally filed specification. These types of orders are "platform-independent" orders, "script-controlled"

orders, and orders that are based on direct user interaction, each of which are neither taught nor suggested by Otsuka.

For at least the reasons discussed above, the applicants respectfully submit that claim 1, as amended, is allowable over Cupps and Otsuka, whether considered individually or in combination.

Since claims 3-6, 16-22, and 26-30 depend on amended claim 1, and because amended claim 1 is believed to be allowable for the reasons presented, these dependent claims are likewise allowable. Moreover, the recitation of additional patentable features recited in these dependent claims provides an additional basis for their patentability.

Independent claim 7, as amended, recites:

7. A method of operating an online ordering system, comprising the following steps:

- display of a start page by said system,
- user input of a geographical specification into a device of said system,
- response of said system to the user input on the basis of data on food outlets being related to said system, which data being stored by said system, and display of the food outlets, preferably within the specified geographical area,
- user input into said device in such a way that one of the displayed food outlets is selected,
- response of said system to the user input on the basis of the stored data on the food outlets and display of the items of food offered by the food outlet selected,
- user input in such a way that one of the displayed items of food is selected or a table reservation is made,
- response of said system to the user input and transmission of the order to the food outlet selected, whereby an order is sent to the system by email, script-controlled platform-independently, or directly by interaction of the user, and
- a fax is generated from said order by said system or a connected system or a connected fax server, and whereby said fax is faxed to a fax machine at said selected food outlet,

wherein in response to an accessible address of the computer system chosen a start page depending on a chosen accessible address of the at least one domain of the computer system is displayed to the user, which start page being designed appropriately for a target group or specifically for a target group.

(emphasis supplied)

Independent claim 7, as amended, is allowable over Cupps and Otsuka for essentially the same reasons as amended claim 1. Namely, Cupps and Otsuka (whether considered individually or in combination) fail to teach, suggest, or motivate a method of operating an online ordering system, comprising the following steps:

- response of said system to the user input and transmission of the order to the food outlet selected, whereby an order is sent to the system by email, script-controlled platform-independently, or directly by interaction of the user, and
- a fax is generated from said order by said system or a connected system or a connected fax server, and whereby said fax is faxed to a fax machine at said selected food outlet.

Since claims 10-13, 23-25, 31, and 32 depend on amended claim 7, and because amended claim 7 is believed to be allowable for the reasons presented, these dependent claims are likewise allowable. Moreover, the recitation of additional patentable features recited in these dependent claims provides an additional basis for their patentability.

Independent claim 15, as amended, recites:

15. Use of an online ordering system for food outlets, comprising:

at least a first computer system which is accessible via the Internet under at least one domain, in which data on food outlets are stored and on which a program runs,

in each case a communication connection which can be established at least temporarily between the computer system and at least a large number of all the food outlets covered and which, generated an order by email, script-controlled platform-independently, or directly by interaction of the user, whereby

a fax is generated from said order by said system or a connected system or a connected fax server, and whereby said system,

connects an output device or display device comprising a fax machine at the food outlets to the first computer system, and whereby said system or a connected system or a connected fax server transmits said fax to said fax machine,

wherein the ordering system is adapted to display a start page to the user depending on a chosen accessible address of the at least one domain of the computer system, which start page being designed appropriately for a target group or specifically for a target group.

(emphasis supplied)

Independent claim 15, as amended, is allowable over Cupps and Otsuka for essentially the same reasons as amended claim 1. Namely, Cupps and Otsuka (whether considered individually or in combination) fail to teach, suggest, or motivate using an online ordering system for food outlets, comprising:

- generated an order by email, script-controlled platform-independently, or directly by interaction of the user,
- whereby a fax is generated from said order by said system or a connected system or a connected fax server, and whereby said system, and
- whereby said system or a connected system or a connected fax server transmits said fax to said fax machine.

35 USC § 103 Rejection of Claims 30 and 32

Claims 30 and 32 were rejected under 35 USC § 103 as being obvious over the combination of Cupps, Otsuka, and US Patent No. 5,127,047 (hereinafter "*Bell*"). The applicants respectfully submit that the rejection of these claims is overcome for at least the reasons discussed below.

Bell fails to cure the deficiencies of Cupps and Otsuka, with respect to amended claim 1, discussed above. Since claims 30 and 32 depend on amended claims 1 and 7, respectively, and because amended claims 1 and 7 are believed to be allowable for the reasons presented, these dependent claims are likewise allowable. Moreover, the recitation of additional patentable features recited in these dependent claims provides an additional basis for their patentability.

No Waiver

All of the applicant's arguments are without prejudice or disclaimer. The applicant reserves the right to discuss the distinctions between the applied art and the claims in a later Response or on Appeal, if appropriate. By not responding to additional statements made by the Office, the applicant does not acquiesce to the Office's additional statements. The distinctions discussed by the applicant above are sufficient to overcome the rejections.

Respectfully,
Jan Trebesius

By **/Henry Vuu/**
Henry Vuu
DeMont & Breyer, LLC
Attorney for Applicants
Reg. No. 62865
732-578-0103 x224

DeMont & Breyer, L.L.C.
Suite 250
100 Commons Way
Holmdel, NJ 07733
United States of America